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C.J., et al

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

C.J., et al.

Plaintiffs,

vs.

CENTRALIA ELEMENTARY SCHOOL  
DISTRICT  
Defendant.

CASE NO. **8:22-cv-01540**

**COMPLAINT**

**JURISDICTION AND VENUE**

1. This action arises under the Individuals with Disabilities Education Act [20 U.S.C. § 1400 *et seq.*] (“IDEA”)<sup>1</sup> and pendent state law as hereafter more fully appear.

<sup>1</sup> The IDEA was reauthorized in 2004 as the Individuals with Disabilities Education Improvement Act (“IDEIA”). For simplicity and consistency with prior case law, this Complaint will refer to the statutory scheme as the IDEA.

1 This court has jurisdiction under and by virtue of 20 U.S.C. § 1400 *et seq.*; 42 U.S.C. §  
2 1983; 34 C.F.R. § 300 *et seq.*; 20 U.S.C. Section 1415(i)(3)(A) and Section 1415  
3 (i)(3)(B).

4 2. Plaintiffs C.J. (“Father”) and C.C.J. (“Mother”) are the parents of Plaintiff  
5 E.J. (“Student”). At all times, relevant to this complaint, Father and Mother resided in the  
6 State of California, County of Orange. At all times relevant to this complaint, Student  
7 was a minor child residing in the State of California, County of Orange with his parents.

8 3. Student is a child with a disability within the meaning of that term as defined  
9 under 20 U.S.C. § 1401(3)(A)(i) and is a child with exceptional needs within the meaning  
10 of that term as defined in Cal. Educ. Code § 56026, and therefore is entitled to receive  
11 special education and related services. Special education services are delivered to  
12 students through an individualized education program (“IEP”) developed at a meeting by  
13 a team of individuals which include, at a minimum, the student’s parents and school  
14 district personnel.

15 4. Defendant Centralia Elementary School District (“District”) is a  
16 governmental agency located within the County of Orange, State of California, and  
17 conducting business therein.

18 5. Pursuant to Federal Law, disputes under the IDEA are handled in an  
19 administrative “due process” hearing. 20 U.S.C. § 1415(f).

20 6. A prevailing parent in a due process matter is entitled to an award of  
21 attorneys’ fees for the successful prosecution of that matter. 20 U.S.C. § 1415(i)(3)(B).  
22 The district courts of the United States shall have jurisdiction of actions brought under  
23 this section. 20 U.S.C. § 1415(i)(3)(A).

### 24 **FACTUAL ALLEGATIONS**

25 7. Plaintiffs hereby incorporate and re-allege Paragraphs 1–6 above and  
26 incorporate the same as though fully set forth herein.

27 8. Student is a nine (9) year old boy who has resided with his Mother and  
28 Father within the boundaries of the District at all times relevant to this complaint.

9. Student is eligible for special education and related services as defined by  
the IDEA and by the District during all times relevant to this complaint.

10. On or about October 25, 2021, Student filed a due process hearing request  
with the Office of Administrative Hearings (“OAH”) – the state agency responsible for

1 administering due process hearings. The Student's October 25, 2021 due process  
2 complaint was designated OAH Case No. 2021100727.

3 11. On or about November 4, 2021, the District filed a notice of representation  
4 and response to due process request with OAH.

5 12. In this matter, Student raised five (5) issues, designated Issues 1–5 by OAH,  
6 (1) whether Respondent violated the substantive protections of the individuals with  
7 disabilities education act ("IDEA") and denied FAPE by failing to offer appropriate  
8 placement, services and supports during the statutory period; (2) whether Respondent  
9 violated the procedural protections set forth in IDEA and the California Education Code  
10 by failing to draft measurable goals resulting in a denial of FAPE during the statutory  
11 period; (3) whether Respondent violated the substantive protections set forth in IDEA  
12 and California Education Code when they failed to implement the IEP during distance  
13 learning or offer compensatory education thereafter; (4) whether Respondent violated the  
14 procedural protections set forth in IDEA and the California Education Code by failing to  
15 provide a Prior Written Notice ("PWN") within fifteen (15) days of a change in services;  
16 and (5) whether Respondent violated the substantive protections of IDEA by failing to  
17 conduct a new Functional Behavior Assessment ("FBA") and updating the Behavior  
18 Intervention Plan ("BIP") when Student's behaviors increased from December 2020  
19 through May 2021.

20 13. In this matter, the District did not raise any issues.

21 14. At the pre-hearing conference held March 18, 2022, Student's issues as  
22 alleged in Student's complaint were clarified and designated as Issues 1–4 by the  
23 Administrative Law Judge ("ALJ") presiding over the pre-hearing conference, ALJ Tara  
24 Doss, (1) whether Respondent denied Student a FAPE, from October 25, 2019, through  
25 the date Student's complaint was filed on October 25, 2021, by failing to: (A) develop  
26 measurable goals, (B) offer appropriate services in the areas of reading intervention,  
27 counseling, and aide support, and (C) offer appropriate placement; (2) whether  
28 Respondent denied Student a FAPE, from March 20, 2020, through April 2021, by failing  
to implement Student's IEP during distance learning, and by failing to offer  
compensatory education as a result of distance learning; (3) whether Respondent denied  
Student a FAPE by failing to provide Parents with prior written notice within fifteen (15)  
days of its failure to implement RAVE-O reading intervention program in Student's  
December 15, 2020 IEP; and (4) whether Respondent denied Student a FAPE, from

1 March 20, 2020, through May 2021, by failing to conduct a new functional behavior  
2 assessment and updating the behavior intervention plan.

3 15. The matter was heard by ALJ Penelope S. Pahl on March 29, and 30, 2022  
4 and April 1, 5, 6, 7, 11, 12, 2022.

5 16. At the conclusion of the due process hearing Student requested the dismissal  
6 of Issue Three: whether Respondent denied Student a FAPE by failing to provide Parents  
7 with prior written notice within fifteen (15) days of its failure to implement RAVE-O  
8 reading intervention program in Student's December 15, 2020 IEP. The Issues were  
9 designated as Issues 1 – 4 by ALJ Pahl, (1) whether Respondent denied Student a FAPE,  
10 from October 25, 2019, through the date Student's complaint was filed on October 25,  
11 2021, by failing to: (A) develop measurable goals, (B) offer appropriate services in the  
12 areas of reading intervention, counseling, and aid support, and (C) offer appropriate  
13 placement; (2) whether Respondent denied Student a FAPE, from March 20, 2020,  
14 through April 2021, by failing to implement Student's IEP during distance learning, and  
15 by failing to offer compensatory education as a result of distance learning; and (3)  
16 whether Respondent denied Student a FAPE, from March 20, 2020, through May 2021,  
17 by failing to conduct a new functional behavior assessment and updating the behavior  
18 intervention plan.

19 17. ALJ Pahl rendered her decision on or about May 20, 2022. Her ALJ Pahl's  
20 decision stated that:

- 21 • The District prevailed on Issue 1A;
- 22 • Student partially prevailed on Issue 1B and the District prevailed on Issue 1B;
- 23 • Student partially prevailed on Issue 1C and the District prevailed on Issue 1C;
- 24 • Student partially prevailed on Issue 2 and the District prevailed on Issue 2; and
- 25 • The District prevailed on Issue 3.

26 18. ALJ Pahl made a number of legal and factual errors which resulted in an  
27 inconsistent decision with regard to her ruling on Issues One, Two, and Three.

28  
**FIRST CAUSE OF ACTION**  
**PARTIAL APPEAL OF THE OAH DECISION**

1. Plaintiffs hereby incorporate and re-allege Paragraphs 1–18 above and incorporate  
the same as though fully set forth herein.

- 1 2. ALJ Pahl erroneously decided that Student failed to meet his burden of proof as to  
2 the entirety of Issue 1A, part of Issue 1B, part of Issue 1C, part of Issue 2, and the  
3 entirety of Issue 3.

4 **REQUESTS**

5 WHEREFORE, Plaintiffs respectfully request the following relief:

- 6 1. That ALJ Pahl's decision be overturned as to the entirety of Issue 1A, part of Issue  
7 1B, part of Issue 1C, part of Issue 2, and the entirety of Issue 3.  
8  
9 2. That, upon the successful prosecution of this matter, Parents be awarded their  
reasonable attorneys' fees as a prevailing party in this appeal.

10 For such other and further relief as the Court deems just and proper.  
11

12 Dated: 08/16/2022

MOORE LAW FOR CHILDREN, APC

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15 By: Meldie M. Moore

16  
17 Meldie M. Moore, Esq.  
Attorneys for Plaintiffs, C.J., et al.

18  
19 Dated: 08/17/2022

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21 By: Timothy A. Adams

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